

March 28, 2005
Seven o'clock P.M.
Council Chambers, City Hall
North Little Rock, Arkansas

The regular meeting of the North Little Rock City Council scheduled for Monday, March 28, 2005, was called to order at 7:00 p.m. by the honorable Mayor PATRICK HENRY HAYS. The roll having been called, and the following Aldermen answered to their names: MARTIN GIPSON, NEIL BRYANT, LINDA ROBINSON, OLEN THOMAS, CHARLIE HIGHT and MURRY WITCHER, a quorum was declared (6/0). Alderman GARY BERRY was absent. Alderman JOHN PARKER arrived during the invocation.

The invocation was given by Alderman Thomas, followed by the pledge of allegiance to the flag which was led by Alderwoman Robinson.

On the motion of Alderwoman Robinson and seconded by Alderman Witcher, and by consent of all members present, the minutes from a regular council meeting and special call held on Monday, March 17, 2005, accepted and filed as prepared by the City Clerk (7/0).

On the motion of Alderwoman Robinson and seconded by Alderman Gipson, and by consent of all members present, communication #1 was not read, but accepted and filed (7/0).

1. Sharon Tedford, Mayor's Office memorandum re: application for new restaurant wine and beer permit for Chameleon Cafe, 11901 Maumelle Boulevard by Nicholas Butler.

On the motion of Alderman Gipson and seconded by Alderman Hight, and by consent of all members present, communication #2 was read by title only, accepted and filed (7/0).

2. Bob Major letter to Mayor Hays re: resignation from Central Arkansas Transit Authority Board (CATA) effective February 16, 2005.

On the motion of Alderwoman Robinson and seconded by Alderman Bryant, and by consent of all members present, communication #3 was read in its entirety, accepted and filed (7/0).

3. Sherrie Smith, letter to Mrs. Linda Marshall, Assistant City Clerk and Collector re: opposition to proposed legislation to allow mobile homes at 9802 Highway 165 re: O-05-21.

Mayor Hays invited Mrs. Margaret Powell, Director of Community Relations to come forward. Mrs. Powell introduced Mr. Peter Pickens, Acting Director of City Year Little Rock along with two participants, Jeremy Haggard and Katie Kuran who will discuss their involvement. Mr. Haggard and Miss Kuran began by reciting the City Year pledge. Miss Kuran moved to North Little Rock from Georgia when she was 15 and was not happy about it. People in the area were nice and the adjustment was an easy one. She is a 2002 North Little Rock High School Graduate. She left the area and returned in 2004 and was a substitute teacher when she met Amy Wright who told her about City Year. She serves at Pike View Elementary School with Kindergarten students. During this time she has developed self-confidence and she works with a diverse group of people. She hopes to acquire a teaching degree and return to the North Little Rock School District. Mr. Peter Pickens said the program is active in three North Little Rock Schools (North Heights, Poplar Street and Pike View). City Year has worked with over 1,000 students during its first year. One-on-one tutoring is available, along with small group and after school assistance. Mr. Pickens distributed information regarding City Year Little Rock Team Sponsorship. City Year is about service, learning, teamwork and more. Their annual convention will be held in Little Rock this year with more than 1,300 people attending. Mr. Haggard is 24 and a college graduate and invited council members to come see them work. Mayor Hays commended them for their efforts.

Mayor Hays announced the special call scheduled for 7:05 p.m., March 28, 2005.

March 24, 2005

Honorable Members of the City Council
Re: Special Council Meeting

Dear Members of the City Council:

This is to advise that we have called a special Council meeting of the North Little Rock City Council for 7:05 p.m., March 28, 2005, at City Hall, Council Chambers, North Little Rock, Arkansas. The following will be on the agenda:

- 1) A RESOLUTION ACCEPTING THE LOW BID OF MOBLEY CONTRACTORS FOR REMOVAL OF THE CONCRETE RAILROAD BRIDGE, BROADWAY STREET, NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.
Sponsored by: Mayor Patrick H. Hays
- 2) A RESOLUTION AMENDING THE CITY OF NORTH LITTLE ROCK'S FIVE YEAR CONSOLIDATED PLAN AND 2005 ANNUAL ACTION PLAN IN REGARD TO THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
Sponsored by: Mayor Patrick H. Hays

The law requires that you be notified of the time, place and subject matter of any specially called Council meeting. This notice does not require any special written formalities or waivers on your behalf, unless you are notified within a 24-hour period prior to the special meeting.

It is requested that each of you sign the cover letter simply to indicate that you have been informed of the nature and time of the meeting. However, please be aware that your signature is not required unless a period of less than 24 hours remains before the designated time for the meeting and you have not previously received notice.

This will evidence that I have received this notice of a special Council meeting for 7:05 p.m., Thursday, March 28, 2005, at City Hall, Council Chambers, North Little Rock, and waive time of notice.

/s/ Martin Gipson
MARTIN GIPSON

/s/ Gary Berry
GARY BERRY

/s/ Neil Bryant
NEIL BRYANT

/s/ John Parker
JOHN PARKER

/s/ Olen Thomas
OLEN THOMAS

/s/ Murry Witcher
MURRY WITCHER

/s/ Linda Robinson
LINDA ROBINSON

/s/ Charlie Hight
CHARLIE HIGHT

SPECIAL CALL #1 (RESOLUTION NO. 6741 - MAYOR HAYS)
A RESOLUTION ACCEPTING THE LOW BID OF MOBLEY CONTRACTORS FOR REMOVAL OF THE CONCRETE RAILROAD BRIDGE, BROADWAY STREET, NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Hight and seconded by Alderman Witcher. Mayor Hays advised the removal was rebid and came in at a lower amount. Once the bridge is removed the Arkansas State Highway and Transportation Department will raise the grade to make East Broadway level. On the previous motion, and all members present, having voted in the affirmative, the resolution was adopted (7/0).

SPECIAL CALL #2 (RESOLUTION NO. 6742 - MAYOR HAYS)
A RESOLUTION AMENDING NORTH LITTLE ROCK’S FIVE YEAR CONSOLIDATED PLAN AND 2005 ANNUAL ACTION PLAN IN REGARD TO THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, was read. On the motion of Alderman Gipson and seconded by Alderman Hight, and by consent of all members present, the resolution was unanimously adopted (7/0).

UNFINISHED BUSINESS
None

NEW BUSINESS
R-05-41 (RESOLUTION NO. 6743 - MAYOR HAYS)
A RESOLUTION AUTHORIZING THE NORTH LITTLE ROCK POLICE DEPARTMENT TO DONATE USED BODY ARMOR TO THE SEARCY COUNTY SHERIFF’S DEPARTMENT; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was adopted (7/0).

R-05-42 (RESOLUTION NO. 6744 - MAYOR HAYS)
A RESOLUTION APPROPRIATING \$35,000.00 FROM THE GENERAL FUND FOR THE CITY YEAR PROGRAM; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Bryant, and by consent of all members present, the resolution was adopted (7/0).

R-05-43 (RESOLUTION NO. 6745 - MAYOR HAYS)
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO THE PLUM POINT DEVELOPMENT SHARING AGREEMENT ON BEHALF OF THE NLR ELECTRIC DEPARTMENT, was read. A motion to adopt was made by Alderman Thomas and seconded by Alderman Hight. Mayor Hays asked Mr. Joe Gertsch, Acting Director of the Electric Department to come forward and advised the council he would recommend an amendment to indicate North Little Rock’s share will not exceed \$45,549.50 without further authorization from the City Council. The funds would be used for engineering and analysis to determine if the proposal is practical and the cost range for acquisition of power for the city. Currently, the city pays approximately \$33.00 per megawatt hour. It has been estimated power provided from this development could be approximately \$34.00 per megawatt hour. The council will then have enough information as it reviews the city’s involvement. Mr. Gertsch advised Conway Corporation, Jonesboro City Water & Light, City of Osceola, City of West Memphis, Municipal Energy Agency of Mississippi, Arkansas Electric Cooperative, and Missouri Joint Municipal Electric Utility are partnering in this plan. The development would be located in Osceola. Mayor Hays said the existing contract with Duke will terminate in approximately two years. The cost of fuel will present a challenge in the future. This development could be operating by 2010 or 2011. Mr. Gertsch said this stage will provide a good idea of the cost of the plan. The city currently buys about 1 billion kilo-watt hours per year. The city load (usage) seldom drops below 85 megawatts, even during times when the least amount of power is being used. On the motion of Alderman Hight and seconded by Alderman Bryant, and by consent of all members present, with the exception of Alderman Witcher who abstained, the legislation was amended as follows:: *5th whereas, delete with and approximately ranging from and to \$135,899.50 and insert WILL NOT EXCEED and WITHOUT AUTHORIZATION FROM THE CITY COUNCIL and Section 2., delete to \$135,899.50* (6/1). Alderman Gipson asked that Exhibits “A”, “B”, and “C” be amended accordingly. On the motion of Alderman Hight and seconded by Alderman Thomas and by consent of all members present, with the exception of Alderman Witcher who abstained, the resolution was adopted as amended (6/1).

R-05-44
A RESOLUTION ACCEPTING THE LOW BID OF SOUTHERN SOFTWARE, INC. FOR COMPUTER SOFTWARE, HARDWARE AND INSTALLATION FOR THE NORTH LITTLE ROCK POLICE DEPARTMENT; AUTHORIZING

THE MAYOR AND CITY CLERK TO ENTER INTO CONTRACT; AND FOR OTHER PURPOSES, was read. Mr. Bob Sisson, Finance Director advised the quote does not contain a court package and suggested waiting until the next council meeting. The legislation was then held at the request of the sponsor, Mayor Hays.

R-05-45 (RESOLUTION NO. 6746 - ALDERMAN BRYANT AND MAYOR HAYS)

A RESOLUTION EXPRESSING THE NORTH LITTLE ROCK CITY COUNCIL'S SUPPORT OF CENTRAL ARKANSAS WATER; AND FOR OTHER PURPOSES, was read. Mayor Hays advised legislation which was pending before the State Legislature would have taken the decision making process away from Central Arkansas Water with regard to their right to condemn. The legislation was defeated and cannot be recalled during this session. On the motion of Alderman Gipson and seconded by Alderman Hight, and by consent of all members present, the resolution was adopted (7/0).

R-05-46 (RESOLUTION NO. 6747 - ALDERMAN THOMAS AND ALDERWOMAN ROBINSON)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN ENGINEERING CONTRACT WITH MARLAR ENGINEERING CO., INC. TO PROVIDE ENGINEERING SERVICES FOR THE DESIGN PHASE OF ATKINSON STREET DRAINAGE AND STREET IMPROVEMENTS; AND FOR OTHER PURPOSES, was read. Alderman Thomas said a resolution was not needed but he wanted to make sure people in his ward were aware of this project. Alderman Thomas asked that Alderwoman Robinson be added as cosponsor. On the motion of Alderman Thomas and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was adopted (7/0).

O-05-17 (ORDINANCE NO. 7698 - MAYOR HAYS)

AN ORDINANCE ESTABLISHING JOB CLASSIFICATIONS AND NUMBERS OF EMPLOYEES FOR EACH DEPARTMENT OF THE CITY GOVERNMENT OF NORTH LITTLE ROCK FOR THE YEAR 2005; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderwoman Robinson, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). On the motion of Alderman Witcher and seconded by Alderwoman Robinson, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the ordinance was amended as follows::*substitute copy provided this date* (to correct total employees for District Court #2 from 7 to 8 full time and 2 to 1 part time) (7/0). Mr. Sisson reviewed changes included in the legislation. On the motion of Alderman Witcher and seconded by Alderman Hight, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted as amended (7/0). Emergency clause adopted (7/0).

O-05-18 (ORDINANCE NO. 7699 - MAYOR HAYS)

AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS FOR THE PURCHASE OF REPLACEMENT PARTS FOR HYDRO PLANT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Thomas, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). On the motion of Alderman Thomas and seconded by Alderwoman Robinson, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). The roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (7/0).

O-05-19 (ORDINANCE NO. 7700 - MAYOR HAYS)

AN ORDINANCE REPEALING SECTION 18-37 OF THE NORTH LITTLE ROCK MUNICIPAL CODE TO ABOLISH FIRE DISTRICTS IN THE CITY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Witcher, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). On the motion of Alderman Gipson and seconded by Alderman Hight, and by consent of all members present, the rules were suspended and the ordinance was placed on its third and final reading (7/0). Alderman Gipson advised these districts exist in the downtown area and are no longer necessary. The roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0).

O-05-20 (ORDINANCE NO. 7701 - ALDERMEN GIPSON AND BRYANT)

AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT THE NORTHEAST CORNER OF BETWEEN PINE AND 12TH STREETS IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM R-3 TO I-1 ZONE, BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS, DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Bryant, the rules were suspended and the ordinance was placed on its second reading (7/0). On the motion of Alderman Gipson and seconded by Alderman Bryant, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). The ordinance was read a third and final time. Alderman Thomas questioned if the property was in Ward 1 or Ward 2. Alderman Gipson said the property had been in Ward 1 since 1990. On the motion of Alderman Gipson and seconded by Alderman Hight, and by consent of all members present, the ordinance was amended as follows:: *delete at the northeast corner of in the title and Section 1. and insert BETWEEN in both places* (7/0). On the motion of Alderman Witcher and seconded by Alderman Bryant, and the roll having been called, the ordinance was adopted as amended (7/0). Emergency clause adopted (7/0).

O-05-21 (ORDINANCE NO. 7702 - ALDERMAN THOMAS)

AN ORDINANCE ALLOWING A SPECIAL USE FOR MANUFACTURED HOMES IN AN I-2 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 9802 HIGHWAY 165 IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. Alderman Thomas said Mr. Robert Post owns the property and has his business nearby on his family farm. The special use would allow his children to live on the family property. Alderwoman Robinson asked if neighbors within 200' had been notified of the proposed special use. Mr. Robert Voyles, Planning Director was not aware if they had. Mr. Post said did not know his property was located within the North Little Rock city limits because Pulaski County had responded to his needs in the past. Mr. Post passed around a photo copy of his mobile home (brown) and his son's mobile home (white). Alderwoman Robinson asked what would happen to the special use for (up to three) manufactured homes on the property if Mr. Post moved away or were no longer around. Mr. Voyles said the special use is for Mr. Robert Post only. Mayor Hays asked what would happen if Mr. Post died. Mr. Voyles said the property was originally zoned R-2 during the 1980's. When the city adopted the extraterritorial property in 1993, it was upgraded to Industrial/Commercial zone based on potential plans for the property. It is located across from a heavy industrial zone. Mr. Voyles advised water is transported to the property as city water is not connected to the location and the water on the property is not usable. Mr. Robert Post and his wife have

lived on the farm since 1981. The brown mobile home has been on the property since 1981. The white mobile home is approximately 450' from the highway. The brown one is approximately 250' from the highway. Mr. Voyles said this property was annexed in with the Coffield Annexation. Mayor Hays asked Mr. Voyles to clarify the location of the property within the city to be sure emergency services are provided if necessary. Mr. Post provided Ms. Diane Whitbey, City Clerk and Collector with petitions from residents in the area who do not object to the Post family having mobile homes on their farm (43 signatures). The majority of the signatures are from people along Highway 165 and the Willow Beach area. Mayor Hays said the petitions would be attached to the legislation. Mr. Jerry Yanger lives in Willow Beach and is Vice President of the Willow Beach Homeowners Association. The general consensus is that North Little Rock will expand to the east. Mr. Yanger said one of the trailers has already been moved onto the property and that the property owner did so without approval from the city. The neighbors in his community asked the council to not approve the ordinance. Patty Hudson lives in Willow Beach Estates and said people on the petitions represented some of the Willow Beach Community and they do not object to the mobile homes. Mr. Bobby Taylor said he is against modular homes because of the appearance of the one in his neighborhood. Mr. Post said the area needs affordable housing and that most people in the area were not aware that his home (brown) was a mobile home. Mayor Hays asked how long it would take Mr. Hardy Post to bring the appearance of his (white mobile) home up to that of his father's. Alderman Thomas said the property could be damaged if it just sits on the property. Mr. Hardy Post said he would try to have it done within 90 days. Alderman Gipson advised the Post family of existing laws and requirements in the city. Mr. Doyle Tankersly lives at 13223 Willow Beach and owns property on Highway 165 within 2 blocks of this property. The house is far enough back that it would not harm anyone around and he believes the Post family will fulfill their commitments. The property is more than 3/4 of mile from the Willow Beach entrance. On the motion of Alderman Gipson and seconded by Alderwoman Robinson, and by consent of all members present, the ordinance was amended as follows:: Section 2. c) *add...* WITHIN 90 DAYS. D) IF ANY PORTION OF THIS PROPERTY IS SOLD OR SUBDIVIDED, THE SPECIAL USE SHALL EXPIRE. E) ONLY IMMEDIATE FAMILY MEMBERS (CHILDREN) OF OWNER (ROBERT POST) SHALL OCCUPY ANY OF THESE THREE (3 MOBILE HOMES) PROPERTIES. F) NO ADDITIONAL HOME SHALL BE CLOSER TO HIGHWAY 165 THAN 450'. G) HOMES WILL BE SIMILAR TO THE ROBERT AND JULIE POST HOME AS SHOWN IN EXHIBIT "D" (WHICH IS ATTACHED) WITHIN SIX (6) MONTHS OF PLACEMENT ON THE PROPERTY (7/0). Mr. Post agreed to the amendments and did not object to them On the motion of Alderman Gipson and seconded by Alderman Thomas, and by consent of all members present, the rules were again suspended and the ordinance was placed on its second reading as amended (7/0). On the motion Alderman Thomas and seconded by Alderwoman Robinson, the rules were again suspended and the ordinance was placed on its third and final reading as amended (7/0). The roll having been called, and all members present having voted in the affirmative, with the exception of Alderman Hight who voted no, the ordinance was adopted as amended (6/1). Emergency clause adopted (7/0).

PUBLIC COMMENTS-----

Mayor Hays advised he received a gavel when he was President of the Law Student Division of the Arkansas Bar Association from 1972 - 1973 which he has used to convene and adjourn the council meetings. During the August rain damage, he thought it was boxed up with everything in his office. They have not been able to locate the gavel since then. If anyone locates Mayor Hays gavel, he requested it's return as he plans to leave it to the city for historical purposes. Alderman Gipson said the city needs to determine what kind of business can operate as a non-profit within the city. There is a camouflaged ice cream truck in the city. The owner gets his business license for free since he operates a non-profit business. Ice cream vendors need to be regulated the same as other businesses which sell prepared and prepackaged foods. The rules and regulations need to be reviewed to see if ice cream vendors are included and if they are not, then find a way to regulate them. Mayor Hays thanked Mrs. Woods for her service as Acting City Attorney during City Attorney Paul Suskie's deployment. On Monday, April 4, 2005, Mr. Jason Carter, Chief Deputy City Attorney will be sworn in as Acting City Attorney. Mr. Carter has been deployed in Iraq with the 39th Infantry for over a year. Mrs. Woods thanked the Mayor and the City Council for the opportunity and their kindness and patience. Mr. Bobby Taylor asked the Mayor what he thought of the Morgan Building on Boyer. Mayor Hays agreed with Mr. Taylor's previous comments regarding the property. Mr. Taylor asked what would happen if the owner did not do anything to the property within 30 days. Mrs. Woods said she had marked her calendar and would be prepared to proceed after 30 days from March 8, 2005. Mr. James Ard said everyone should obey city codes and should set examples.

There being no further business to come before the Council, and on the motion of Alderwoman Robinson and seconded by Alderman Gipson, and no one else wishing to be heard, the meeting adjourned at 8:45 p.m. (7/0), until the next regular meeting to be held on Monday, April 11, 2005, at seven o'clock p.m. in the City Council Chambers, City Hall, North Little Rock, Arkansas.

APPROVED:

MAYOR PATRICK HENRY HAYS

ATTEST:

DIANE WHITBEY, CITY CLERK